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Fellow:**
M. Allison Peck

September 10, 2004

VIA EXPRESS MAIL

Ms. Elizabeth O'Donnell, Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602-0615

**RE: JOINT APPLICATION OF LOUISVILLE GAS AND ELECTRIC
COMPANY, METRO HUMAN NEEDS ALLIANCE, INC., PEOPLE
ORGANIZED AND WORKING FOR ENERGY REFORM, AND
KENTUCKY ASSOCIATION FOR COMMUNITY ACTION FOR THE
ESTABLISHMENT OF A HOME ENERGY ASSISTANCE PROGRAM
CASE NO: 2004-00304**

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of the Motion of Metro Human Needs Alliance Inc. and People Organized and Working for Energy Reform for Protective Order.

Please confirm your receipt of this filing by placing the stamp of your office with the date received on the enclosed additional copy of this filing and return it to me in the self-addressed stamped envelope.

Thank you for your assistance. Please contact me if you have any questions or need further information regarding this matter.

Very truly yours,

Lisa Kilkelly

Enclosures

cc: Service List



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PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**JOINT APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY, METRO HUMAN)
NEEDS ALLIANCE, INC., PEOPLE ORGANIZED)
AND WORKING FOR ENERGY REFORM, AND) CASE NO: 2004-00304
KENTUCKY ASSOCIATION FOR COMMUNITY)
ACTION FOR THE ESTABLISHMENT OF A)
HOME ENERGY ASSISTANCE PROGRAM)**

**MOTION OF METRO HUMAN NEEDS ALLIANCE AND PEOPLE
ORGANIZED AND WORKING FOR ENERGY REFORM FOR PROTECTIVE
ORDER**

Joint Applicants Metro Human Needs Alliance, Inc. (“MHNA”) and People Organized and Working for Energy Reform (“POWER”) hereby move the Kentucky Public Service Commission (“the Commission”) for a Protective Order with respect to the Data Request of Robert Madison dated September 7, 2004.

In an Order dated August 25, 2004, the Commission denied Madison’s request for full intervention in this case. The Commission granted limited intervention, which it described as entitling Madison to

the full rights of a party at any hearing in which he appears, and he shall be served with a copy of the Commission’s Orders, but he shall not be served with any testimony, exhibits, pleadings, correspondence, or any other documents filed by the parties, and he shall not be certified as a party for purposes of receiving service of any petition for rehearing or petition for judicial review.

Order of August 25, 2004 at 3. The language of the Commission’s Order is consistent with its administrative regulations, which describe the rights of a party who has been granted limited intervention. 807 KAR 5:001 Section 3(8).

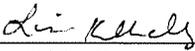
Madison is not entitled to participate in the case beyond the specific terms of the Commission’s Order and regulations. Neither the Order nor the regulations authorize

Madison, as a limited intervenor, to issue data requests. On the contrary, the Commission has provided that Madison as a limited intervenor shall not be served with any documents filed by the parties. Order of August 25, 2004 at 3; 807 KAR 5:001 Section 3(8). The Commission should not allow Madison to circumvent the limitations on his role in the case by the filing of a data request.

In reaching its decision to deny Madison's request for full intervention, the Commission noted that Madison lacks the education and professional training to testify as an expert witness and that he is not likely to present issues or develop facts that will assist the Commission in fully considering this case without unduly complicating or disrupting the proceedings. Order of August 25, 2004 at 2. Allowing Madison to submit a lengthy data request would complicate, disrupt and delay the proceedings, which are on a short procedural schedule.

For these reasons, MHNA and POWER request that the Commission issue a protective order specifying that Joint Applicants not be required to respond to Madison's data request dated September 7, 2004.

Respectfully submitted,

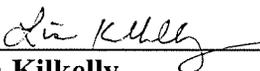


Lisa Kilkelly
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Telephone: (502) 584-1254

Attorney for MHNA and POWER

CERTIFICATE OF SERVICE

I hereby certify that copies of MHNA and POWER's Motion for Protective Order have been served by U.S. mail postage prepaid to the persons listed below on this 10th day of September, 2004.



Lisa Kilkelly

Mr. Michael S. Beer
Vice President
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Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204



Addressee Copy
Label 11-F June 2002



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Date In	<input type="checkbox"/> First <input type="checkbox"/> Second	Postage	
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$	
Time In	Military	Return Receipt Fee	
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee Insurance Fee	
Weight	Int'l Alpha Country Code	Total Postage & Fees	
lbs. ozs.	Acceptance Clerk Initials	\$	
<input type="checkbox"/> No Delivery	<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	METHOD OF PAYMENT	
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DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
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Delivery Attempt	Time	Employee Signature
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Delivery Date	Time	Employee Signature
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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
Customer Signature		
Federal Agency Acct. No. or Postal Service Acct. No.		

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